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TOWNSEND and TOWNSEND and CREW LLP

By: London Clark

PATENT
Docket No. 017761-002620US

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DEC 22 2004

OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

PRESTHUS, James B. et al.

Application No.: 10/798,717

Filed: March 10, 2004

For: INCONTINENCE TREATMENT
WITH URETHRAL GUIDE

Examiner: Unassigned

Art Unit: 3736

CORRECTION OF ERROR IN SMALL
ENTITY STATUS AND PAYMENT OF
DEFICIENCY OWED UNDER 37 CFR
§1.28(c) AND MPEP 509.03(x)

December 6, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-identified application filed on March 10, 2004 originally claimed small entity status in good faith. However, it has recently been discovered that such status as a small entity was established in error. The following submission and itemization are believed to meet the requirements of 37 C.F.R. Sections 1.28(c)(1) and (c)(2) and MPEP Section 509.03(X). Therefore, Applicants respectfully request the deficiency payment be processed and the correct entity status be accorded to the application.

ITEMIZATION AND CALCULATION OF THE DEFICIENCY OWED

| DATE FILED | TYPE OF FEE | SMALL ENTITY FEE ACTUALLY PAID | (CURRENT) LARGE ENTITY FEE FOR ACTION | DEFICIENCY PAYMENT OWED |
|------------|-------------------------------------|--------------------------------|---------------------------------------|-------------------------|
| 07/26/2004 | Filing Fee | \$385.00 | \$790.00 | \$405.00 |
| 07/26/2004 | Surcharge - late filing fee or oath | \$65.00 | \$130.00 | \$65.00 |

TOTAL DEFICIENCY PAYMENT OWED: \$470.00

Applicants hereby authorize the Commissioner to deduct the total deficiency owed of \$470.00 from Deposit Account No. 20-1430. Please deduct any additional fees due from, or credit any overpayment to, the above-noted Deposit Account.

Applicants understand that under 37 CFR §1.28(d) this submission is treated under § 1.27(g)(2) as a notification of loss of entitlement to small entity status.

If the Examiner believes a telephone conference would expedite prosecution of this application, he is invited to telephone the undersigned at 415.576.0200.

Respectfully submitted,



Nena Bains
Reg. No. 47,400

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